

REMARKS/ARGUMENTS

Response to Arguments

The Applicant appreciates the Examiner's response. However the Applicant respectfully submits that the Official Notice taken with respect to "anonymous prepaid transaction voucher" is not supported by an explicit teaching, suggestion or motivation that suggests utilizing the "voucher" in a telecommunications network prepaid system.

Claim Amendments

The Applicant has amended claim 28. Applicant respectfully submits no new matter has been added. Accordingly, claims 21-41 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 112

Claim 28 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. The Examiner indicates claim 28 recites conditional language without providing instructions for proceeding in the event one of the conditions fails. The Applicant has amended the claim to include a condition whereby a call is completed if the account contains sufficient balance and if not the alternative is to add funds as originally claimed.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 21-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Taskett (US Patent 5,991,748) in view of Official Notice. The applicant respectfully traverses the rejection of these claims.

Pursuant to 37 CFR 1.104(d)(2), the Applicant requested in the Applicant's last response that the Examiner provide supporting facts and evidence in the form of an affidavit, so that, if necessary, the Applicant may have a chance to explain the reference in later actions. Under MPEP § 2144.03, official notice may only be taken of "facts

outside of the record which are capable of instant and unquestionable demonstration as being 'well-known' in the art." The Applicant appreciates the explanations provided in response to the Applicant's previous request.

The Taskett reference discloses a system for adding funds to a prepaid account. An integrated transaction card is issued to a consumer with one side of the card showing a prepaid telephone card and the other side being a transaction account (credit card, debit card or the like). The basic premise of the Taskett reference is the use of the transaction card to easily transfer funds from the transaction account to the prepaid phone card account (Abstract).

Regarding independent claim 21 and the analogous claims 28 and 36, the Applicant respectfully submits that the combination of Taskett and Official Notice does not disclose all the limitations as required.

The Detailed Action rejects the following limitations with terms in the Applicant's claim identified with purported equivalent language from the Taskett reference in parentheses next to the Applicant's terms. For instance in the first limitation the term voucher or cash instrument is recited as equivalent to Taskett's term of "prepaid transaction card. (col. 3, lines 47-50). The Applicant respectfully disagrees. The Taskett prepaid transaction card is personally associated with the user. Comparing a voucher/voucher database with the transaction card: if the transaction card is a debit card, the associated checking account may be replenished, but a voucher either still has a balance or not and a new voucher must be purchased. Official Notice is taken with regard to the anonymous voucher stating the purpose is old and well known in the art of finance and payment methods.

The Applicant respectfully submits that even if the "anonymous" voucher were well known, the combination of Taskett and the "anonymous" voucher would not work the same as the Applicant's present invention. In other words, a voucher could not be used in the Taskett system as it defeats the purpose of the patent; that is, easy funds transfer. The credit limit of the credit card in the Taskett system is the only limiting factor and a voucher is limited to its face value.

Furthermore, regarding the limitation of the prepaid account of the user being empty, the Intelligent Network in the Applicant's invention notifies the user to load more from the anonymous voucher database into the user account. The user sets the funds transfer in motion, from the fixed value voucher, by providing the secret code to the voucher database (not associated with the user).

The voucher secret code is equated to "other information necessary for transferring funds from card" in Taskett (col. 6, lines 17-36). The Applicant respectfully asserts that the "other information" is disclosed by Taskett as "...necessary for transferring funds from the card 205 (credit card) to prepaid card 105 (lines 30-32). Taskett in the same paragraph refers to fields for: authorization number of the calling card, initial value, current balance, whether the transaction card is a prepaid card or credit card, expiration date of the card, and "other information necessary for transferring funds from the credit card to the prepaid card" (co. 6, lines 31-33). As the limitation of the Applicant's claim 21 states "the voucher or cash instrument associated with an amount in a voucher record in a voucher database..." – a fixed amount which only reduces in value as the voucher amount is used up. The voucher in the Applicant's claim has a fixed value. It is from this fixed value that funds are transferred to the user account. In Taskett the account from which the funds are moved to the transaction card has a variable amount since the credit card is based on the credit limit of the credit card holder. The Applicant respectfully submits that a credit account linked to a transaction card is not equivalent to a (fixed value) voucher linked to a user account.

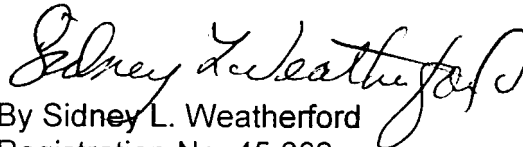
The Applicant respectfully requests that the rejection of independent claims 21, 28 and 36 and the respective dependent claims be withdrawn.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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